

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

In Case No. 2006-0349, Petition of Jeffrey G., the court on November 28, 2006, issued the following order:

Jeffrey G. filed a petition for writ of certiorari seeking review of a family division order. In his brief, he argues that: (1) the Maine probate court erred when it assumed jurisdiction under the Uniform Child Custody Jurisdiction Act; (2) the Salem Family Division (family division) had no authority to cede jurisdiction to Maine following this court's opinion in In the Matter of Jeffrey G. & Janette P., 153 N.H. 200 (2006); and (3) the Salem Family Division violated his rights when it chose to enforce an invalid Maine guardianship order while his objection to the registration of the guardianship order was pending. We affirm.

To the extent the petitioner seeks to challenge the validity of any proceedings in the Maine courts, his proper recourse is to seek review in that state. Our review is limited to whether the family division could properly decline to continue to exercise jurisdiction over matters related to the custody of the petitioner's children.

The Uniform Child Custody Jurisdiction Act (UCCJA) has several purposes, including the avoidance of jurisdictional conflicts with courts of other states and the promotion of cooperation with courts of other states to insure that the custody decree is rendered in the state that can best decide the case in the interest of the child. RSA 458-A:1 (2004). The UCCJA also provides that a court that has jurisdiction to make an initial or modification decree may decline to exercise its jurisdiction if it finds that it is an inconvenient forum to make a custody determination under the circumstances of that particular case, and that a court of another state is a more appropriate forum. RSA 458-A:7 (2004). The factors to be considered in making this determination include whether another state has a close connection with the child and one or more contestants and whether substantial evidence concerning the child's present or future care, protection, training or personal relationships is more readily available in another state. RSA 458-A:7, III. We have previously recognized that under the UCCJA a court may decline jurisdiction to modify its initial custody decree. See Clarke v. Clarke, 126 N.H. 753, 758 (1985). Given the facts of this case, including the length of time that the children had resided in Maine at the time of the family division's decision, we find no error in its ruling.

Affirmed.

BRODERICK, C.J., and DUGGAN and GALWAY, JJ., concurred.

**Eileen Fox,
Clerk**